



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

September 21, 2018

Certified Mail No. 7014 2870 0001 0903 9380  
Return Receipt Requested and Regular Mail

Mr. Michael Wright  
[REDACTED]

Dear Mr. Wright:

On April 24, 2018, Complex Area Superintendent ("CAS") Ruth Silberstein recommended the termination of your employment as a teacher, [REDACTED] at Jefferson Elementary School because you did not return to work following a leave of absence from the Department of Education ("Department") that expired on January 21, 2018; misrepresented the reason for extending your Leave Without Pay; and you failed to adhere to the Department's Code of Conduct, Section B- Honesty.

[REDACTED]


The record indicates you did not report to work as expected at the expiration of your Authorized Leave Without Pay on January 21, 2018. On March 29, 2018, CAS Silberstein wrote to you and advised you to submit a completed "*DOE OHR 300-001 Application for Leave of Absence Certificated School-Level Employees*" no later than April 6, 2018. The Honolulu District Office received your form "*DOE OHR 300-001 Application for Leave of Absence Certificated School-Level Employees*" on April 24, 2018. By that form you requested an additional 365-day leave of absence for "Health, LWOP." There was no documentation attached from a medical practitioner verifying your need for leave of absence without pay for health reasons.

In a letter dated April 22, 2018, your personal representative Ms. Kimberly Suwa, informed the Department that you have been incarcerated since March 15, 2018.

Since your "*DOE OHR 300-001 Application for Leave of Absence Certificated School-Level Employees*" was received past the date it was due, and since that application did not contain supporting documentation from an attending health care professional to support your request for Leave Without Pay for "Health, LWOP," and with the information that your absence from work was due to reasons other than health, CAS Silberstein correctly denied approval for additional Leave Without Pay.

It is apparent from the record that you had the opportunity to properly apply for a leave of absence without pay prior to January 21, 2018 and did not do so. You had previously filed a completed "*DOE OHR 300-001 Application for Leave of Absence Certificated School-Level Employees*" with required documentation attached that was dated and received by the Department on January 16, 2018. That leave application was applied to the period ending January 21, 2018. The January 16, 2018 application for leave without pay makes the record clear that you knew how to correctly complete the leave application process.

An employee is properly expected to keep their employer apprised of any situation that causes the employee to be absent from work. You did not do that. The stated reason for your continuing absence due to health reasons is not supported by any documentation and is, in fact, contradicted by your personal representative's letter dated April 22, 2018.



On July 6, 2018, CAS Silberstein wrote to you in accordance with Hawaii Administrative Rules Title 8, Chapter 7 Public School Personnel: Criminal History Record, Employment History, and Background Checks, informing you that you were terminated from employment with the Department effective upon the close of business July 16, 2018 based on the determination that you are not suitable to work in close proximity to children. The record before me provides sufficient credible evidence to concur with CAS Silberstein's additional August 14, 2018 recommendation that you should also be terminated for proper cause as a result of your unauthorized absence from work for the period of January 22, 2018 through July 16, 2018; that you misrepresented the reason for extending your Leave Without Pay; and that you violated the Department's Code of Conduct, Section B- Honesty.

The record in this matter indicates that you have been afforded "due process" in accordance with School Code Procedure #5110.1. The record in this matter also indicates that the Department has just and proper cause to include unauthorized absence from work for the period of January 22, 2018 through July 16, 2018; misrepresentation of the reason for extending your Leave Without Pay; and violation of the Department's Code of Conduct, Section B- Honesty as additional reasons to terminate your employment with the Department.

Therefore:

1. The Department does not accept your separation from service as tendered on May 16, 2018.
2. In accordance with School Code Procedure #5110.1 as well as Article V, Section N of the current collective bargaining agreement in effect between the Department and the Hawaii State Teachers Association, the Department's records will indicate that you have been terminated not only for being unsuitable for working in close proximity to children but also for unauthorized absence from work for the period of January 22, 2018 through July 16, 2018; misrepresentation of the reason for extending your Leave Without Pay; and violation of the Department's Code of Conduct, Section B- Honesty.

In accordance with the terms of the Unit 05 collective bargaining agreement, you have the right to file a grievance concerning this action.

Sincerely,



Dr. Christina M. Kishimoto  
Superintendent

CMK:nd

c: Phyllis Unebasami, Deputy Superintendent  
Cynthia A. Covell, Assistant Superintendent  
Linell Dilwith, Complex Area Superintendent  
Garrett Zakahi, Principal, Jefferson Elementary School  
Mark Nakamura, Personnel Regional Officer  
OTM- Records and Transaction Section; Labor Relations Section  
Hawaii State Teachers Association